ZILKA · KOTAB

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95 SOUTH MARKET ST., SUITE 420 SAN JOSE, CA 95113

TELEPHONE (408) 971-2573 FAX (408) 971-4660

#### **FAX COVER SHEET**

Date: December 1, 2004	Phone Number	Fax Number				
To: Examiner Ailes		(703) 872-9306				
From: Kevin J. Zilka						
Docket No.: NAI1P008/01.113.01	App. No: 09/895,536					
Total Number of Pages Being Transmitted, Inclu	iding Cover Sheet: 17					
Message:  Please deliver to Examiner Ailes.  Thank you.  Kevin J Zilka						
$oxed{J}$ Original to follow Via Regular Mail $oldsymbol{X}$ Original	will Not he Sent Original will f	follow Via Overnight Couri				

The information contained in this facsimite message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (if long distance, please call collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.

IF YOU DO NOT RECEIVE ALL PAGES OR IF YOU ENCOUNTER ANY OTHER DIFFICULTY, PLEASE PHONE \_\_\_\_\_Erica\_\_\_\_AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

December I, XII4

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PATENT

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Magdych et al.

Application No. 09/895,536

Filed: 06/29/01

For:
SYSTEM, METHOD AND COMPUTER
PROGRAM PRODUCT FOR IMPROVED
EFFICIENCY IN NETWORK ASSESSMENT
UTILIZING VARIABLE TIMEOUT VALUES

OGroup Art Unit: 2142

Examiner: Ailes, Benjamin A.

December 1, 2004

December 1, 2004

CERTIFICATE OF FACSIMILE

Erica L. Farlow

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Alexandria VA 22313-1450 at facsimile number: (703-672-9306 on the above date)

Signed:

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

TOTAL	Claims Remaining After Amendment	Highest Previously Paid For	Present Extra	SMALL ENTITY RATE FEE		OR	LARGE ENTITY RATE FEE	
CLAIMS INDEP		_30	_02	X09 = \$	OR	X18 =	\$36	
CLAIMS	_05	05	_00	X44 = \$	OR	X88 =	\$0	
[ ] Multiple Dependent Claim Present and Fee Not Previously Paid			\$130			SO SO		
	, ,	•	TOTAL	\$			\$36.00	

Applicant(s) believe that no Extension of Time is required; however, if it is determined that such an extension is required. Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 50-1351.

Enclosed is our Check No. in the amount of \$\Sigma\$ to cover the additional claim fee and/or extension of time fees. If the required fees are missing or any additional fees are required to facilitate filing the enclosed response, please charge such fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAIIP008). A copy of this sheet is enclosed for billing purposes.

Respectfully submitted, Zilka-Kotab &C

Keyin J. Zilka

Registration No. 41,429

P.O. Box 721120

San Jose, CA 95172-1120 Telephone: (408) 971-2573

(Revised 1/9)

**PATENT** IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

	application of:			) ) ) G	roup Art Unit	: 2142		M
Appli	ication No. 09/	895,536		) ) Ex	caminer: Aile	s, Benja	min A.	
Filed	: 06/29/01			) ) Do	ecember 1, 20	04		
PROC EFFIC	TEM, METHO GRAM PROD CIENCY IN N IZING VARIA	UCT FOR IM ETWORK AS	PROVED SSESSMENT	) ) ) )				
			^	I hereby of the Comm number: ( Signod:	CERTIFICATE OF ertily that this corrents of Patents 703 872-9306 on the	spondence is Alexandria ne above date	being facsimile t	ransmitted to ) at facsimile
Commissione P.O. Box 145 Alexandria, V		0			Erica L	. Farlow		
Sir:								
Transm	itted herewith is	an amendmen	t in the above-ic	dentified app	olication.			
The fee	has been calcul	ated as shown l	oelow.					
TOTAL	Claims Remaining After <u>Amendment</u>	Highest Previously <u>Paid For</u>	Present Extra	SMALL <u>RATE F</u>	ENTITY EE	OR	LARGE EN RATE FEE	<b>r</b> ity
CLAIMS		30	02	X09 = \$	OR	X18 =	\$36	
INDEP CLAIMS		05	_00	X44 = \$	OR	X88 =	\$0	
	endent Claim Pre	sent		\$130			\$0	
4.74	roviousiy r aid		TOTAL	\$	-		\$ <u>36.00</u>	
⊠ ⊠	is required, A charge the rec Enclosed is or If the required please charge	pplicant(s) hereb puired fees for an ur Check No. in I fees are missing such fees or cred	stension of Time y petition that sud Extension of Tin the amount of § to or any additiona lit any overpaymo or billing purposo or billing purposo	ch an extensione under 37 ( o cover the act of the second in the second in the second in the second in the Deposite of the second in the Deposite of the second in the sec	on be granted and EFR 1.136 to De dditional claim fuired to facilitate	d authorize posit Acco ee and/or of filing the	e the Commiss ount No. <u>50-13</u> extension of ting enclosed resp	sioner to 51. me fees. onse.
			Res	pec <b>tful</b> ly sul	omitted,			

P.O. Box 721120 San Jose, CA 95172-1120

Telephone: (408) 971-2573

(Revised 1796)

gistration No. 41,429

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PATENT

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Magdych et al. Group Art Unit: 2142 Application No. 09/895,536 Examiner: Ailes, Benjamin A. Filed: 06/29/01

For: SYSTEM, METHOD AND COMPUTER) PROGRAM PRODUCT FOR IMPROVED) EFFICIENCY IN NETWORK ASSESSMENT) **UTILIZING VARIABLE TIMEOUT VALUES)** 

CERTIFICATE OF FACSIMILE

December 1, 2004

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450-qt facsimile number: (3/33)-872-9306 on VA 22313-1450 qt facsimile number: (29/3). the above day

### AMENDMENT A

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to an Office Action mailed on 11/18/04, please enter the following in the above application: